

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

**UNITED STATES OF AMERICA )**

**)**

**v. )**

**5:17-cr-00546-MHH-JHE**

**)**

**RICHARD GRADY ROMANS )**

**GOVERNMENT’S MOTION FOR LEAVE  
TO FILE RESPONSE OUT OF TIME**

COMES NOW the United States of America moves this Honorable Court for leave to file a response out of time. On or about May 26, 2023, RICHARD GRADY ROMANS filed a motion seeking resentencing pursuant to *United States v. Dupree*, 57 F.4<sup>th</sup> 1269 (11<sup>th</sup> Cir. 2023). (Doc. 40). Thereafter the Court entered an Order on or about May 31, 2023, setting a deadline of June 14, 2023, for the government to file a response. (Doc. 41). On or about June 23, 2023, after the government failed to respond, this Court entered a second Order wherein it stated, “[i]f the government wishes to respond to Mr. Roman’s motion, the government must file its response no later than June 29, 2023.” (Doc. 42). Again, the government failed to respond.

The original AUSA that prosecuted this case retired from the United States Attorney’s Office in December 2022. No other AUSA was assigned to the case, so the ECF’s ordering a response were not received by an AUSA. This was brought to the attention of the United States Attorney’s Office on January 19, 2024.

Undersigned counsel was assigned this case on January 22, 2024. The failure of the government to respond in a timely manner was an unfortunate oversight. As such, the government prays this Court will allow an out of time response to ROMANS's motion. A copy of the response is attached to this motion.

Respectfully submitted this 24<sup>th</sup> day of January, 2024.

PRIM F. ESCALONA  
United States Attorney

/s/ Electronic Signature  
DAVIS BARLOW  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing has been filed with the Court using the Court's CM/ECF system and by mailing a hard copy of same to the following address, via US Postal Service on this the 24<sup>th</sup> day of January, 2024.

Richard Grady Romans  
Register # 15934-074  
FCI Talladega  
Federal Correctional Institution  
PMB 1000  
Talladega, AL 35160

/s/Electronic Signature  
DAVIS BARLOW  
Assistant United States Attorney